

109TH CONGRESS  
1ST SESSION

# H. R. 593

To amend the Solid Waste Disposal Act to authorize States to restrict receipt of foreign municipal solid waste, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 2, 2005

Mr. ROGERS of Michigan (for himself, Mr. CAMP, Mr. McCOTTER, Mr. KNOLLENBERG, Mrs. MILLER of Michigan, Mr. HOEKSTRA, Mr. UPTON, and Mr. SCHWARZ of Michigan) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend the Solid Waste Disposal Act to authorize States to restrict receipt of foreign municipal solid waste, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. INTERSTATE AND INTERNATIONAL TRANSPOR-**  
4                               **TATION AND DISPOSAL OF MUNICIPAL SOLID**  
5                               **WASTE.**

6       (a) IN GENERAL.—Subtitle D of the Solid Waste Dis-  
7       posal Act (42 U.S.C. 6941 et seq.) is amended by adding  
8       after section 4010 the following new section:

1 **“SEC. 4011. INTERNATIONAL TRANSPORTATION AND DIS-**  
2 **POSAL OF MUNICIPAL SOLID WASTE.**

3 “(a) **AUTHORITY.**—A State may enact a law or laws  
4 imposing limitations (including a prohibition) on the re-  
5 ceipt and disposal of foreign municipal solid waste.

6 “(b) **EFFECT ON INTERSTATE AND FOREIGN COM-**  
7 **MERCE.**—No State action taken as authorized by this sec-  
8 tion shall be considered to impose an undue burden on  
9 interstate and foreign commerce or to otherwise impair,  
10 restrain, or discriminate against interstate and foreign  
11 commerce.

12 “(c) **DEFINITIONS.**—For purposes of this section:

13 “(1) **FOREIGN MUNICIPAL SOLID WASTE.**—The  
14 term ‘foreign municipal solid waste’ means munic-  
15 ipal solid waste generated outside of the United  
16 States.

17 “(2) **MUNICIPAL SOLID WASTE.**—

18 “(A) **WASTE INCLUDED.**—Except as pro-  
19 vided in subparagraph (B), the term ‘municipal  
20 solid waste’ means—

21 “(i) all waste materials discarded for  
22 disposal by households, including single  
23 and multifamily residences, and hotels and  
24 motels; and

25 “(ii) all waste materials discarded for  
26 disposal that were generated by commer-

1 cial, institutional, municipal, and industrial  
2 sources, to the extent such materials—

3 “(I) are essentially the same as  
4 materials described in clause (i); and

5 “(II) were collected and disposed  
6 of with other municipal solid waste  
7 described in clause (i) or subclause (I)  
8 of this clause as part of normal mu-  
9 nicipal solid waste collection services,  
10 except that this subclause does not  
11 apply to hazardous materials other  
12 than hazardous materials that, pursu-  
13 ant to regulations issued under sec-  
14 tion 3001(d), are not subject to regu-  
15 lation under subtitle C.

16 Examples of municipal solid waste include food  
17 and yard waste, paper, clothing, appliances,  
18 consumer product packaging, disposable dia-  
19 pers, office supplies, cosmetics, glass and metal  
20 food containers, and household hazardous  
21 waste. Such term shall include debris resulting  
22 from construction, remodeling, repair, or demo-  
23 lition of structures.

1 “(B) WASTE NOT INCLUDED.—The term  
2 ‘municipal solid waste’ does not include any of  
3 the following:

4 “(i) Any solid waste identified or list-  
5 ed as a hazardous waste under section  
6 3001, except for household hazardous  
7 waste.

8 “(ii) Any solid waste, including con-  
9 taminated soil and debris, resulting from—

10 “(I) a response action taken  
11 under section 104 or 106 of the Com-  
12 prehensive Environmental Response,  
13 Compensation, and Liability Act (42  
14 U.S.C. 9604 or 9606);

15 “(II) a response action taken  
16 under a State law with authorities  
17 comparable to the authorities of such  
18 section 104 or 106; or

19 “(III) a corrective action taken  
20 under this Act.

21 “(iii) Recyclable materials that have  
22 been separated, at the source of the waste,  
23 from waste otherwise destined for disposal  
24 or that have been managed separately from  
25 waste destined for disposal.

1 “(iv) Scrap rubber to be used as a  
2 fuel source.

3 “(v) Materials and products returned  
4 from a dispenser or distributor to the man-  
5 ufacturer or an agent of the manufacturer  
6 for credit, evaluation, and possible reuse.

7 “(vi) Any solid waste that is—

8 “(I) generated by an industrial  
9 facility; and

10 “(II) transported for the purpose  
11 of treatment, storage, or disposal to a  
12 facility or unit thereof that is owned  
13 or operated by the generator of the  
14 waste, located on property owned by  
15 the generator or a company with  
16 which the generator is affiliated, or  
17 the capacity of which is contractually  
18 dedicated exclusively to a specific gen-  
19 erator, so long as the disposal area  
20 complies with local and State land use  
21 and zoning regulations applicable to  
22 the disposal site.

23 “(vii) Any medical waste that is seg-  
24 regated from or not mixed with solid  
25 waste.

1 “(viii) Sewage sludge and residuals  
2 from any sewage treatment plant.

3 “(ix) Combustion ash generated by re-  
4 source recovery facilities or municipal in-  
5 cinerators, or waste from manufacturing or  
6 processing (including pollution control) op-  
7 erations not essentially the same as waste  
8 normally generated by households.”.

9 (b) TABLE OF CONTENTS AMENDMENT.—The table  
10 of contents of the Solid Waste Disposal Act (42 U.S.C.  
11 prec. 6901) is amended by adding after the item relating  
12 to section 4010 the following new item:

“Sec. 4011. International transportation and disposal of municipal solid  
waste.”.

